

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

GREAT AMERICAN ALLIANCE INSURANCE
COMPANY, GREAT AMERICAN
ASSURANCE COMPANY, and GREAT
AMERICAN INSURANCE COMPANY OF
NEW YORK,

Plaintiffs,

v.

HWRT OIL COMPANY, LLC,

Defendant.

Case No. 3:16-cv-01277

NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

Plaintiffs, Great American Alliance Insurance Company, Great American Assurance Company and Great American Insurance Company of New York (collectively, “Plaintiffs”), by and through their undersigned attorneys, hereby voluntarily dismiss this action without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and state as follows:

1. Rule 41 (a)(1)(A)(i) of the Federal Rules of Civil Procedure provides, in relevant part:

Rule 41. Dismissal of Actions

(a) VOLUNTARY DISMISSAL.

(1) *By the Plaintiff.*

(A) *Without a Court Order.* Subject to Rules [23\(e\)](#), [23.1\(c\)](#), [23.2](#), and [66](#) and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

- (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment;
or
- (ii) a stipulation of dismissal signed by all parties who have appeared.

2. Plaintiffs’ Notice of Dismissal is authorized under Rule 41(a)(1)(A)(i) because Defendant HWRT Oil Company, LLC has not been served with process and has not appeared or filed a responsive pleading in this matter.

WHEREFORE, Plaintiffs, Great American Alliance Insurance Company, Great American Assurance Company and Great American Insurance Company of New York, hereby voluntarily dismiss this lawsuit *without prejudice* at Plaintiffs' cost.

Dated: February 22, 2017

Respectfully submitted,

GREAT AMERICAN ALLIANCE
INSURANCE COMPANY, GREAT
AMERICAN ASSURANCE COMPANY,
and GREAT AMERICAN INSURANCE
COMPANY OF NEW YORK

By: s:/Martin J. Buckley
One of Their Attorneys

Martin J. Buckley (#MO 37000)
BUCKLEY & BUCKLEY, L.L.C.
1139 Olive Street, Suite 800
St. Louis, MO 63101-1928
Tel: 314.621.3434
Fax: 314.621.3485
mbuckley@buckleylawllc.com

CERTIFICATE OF SERVICE

I, Martin J. Buckley, an attorney of record in this matter, hereby state that I electronically filed the foregoing, Notice of Voluntary Dismissal Without Prejudice, using the CM/ECF SYSTEM, which will send notification to all attorneys of record on this the 22nd day of February, 2017.

s:/Martin J. Buckley
Attorney for Plaintiffs